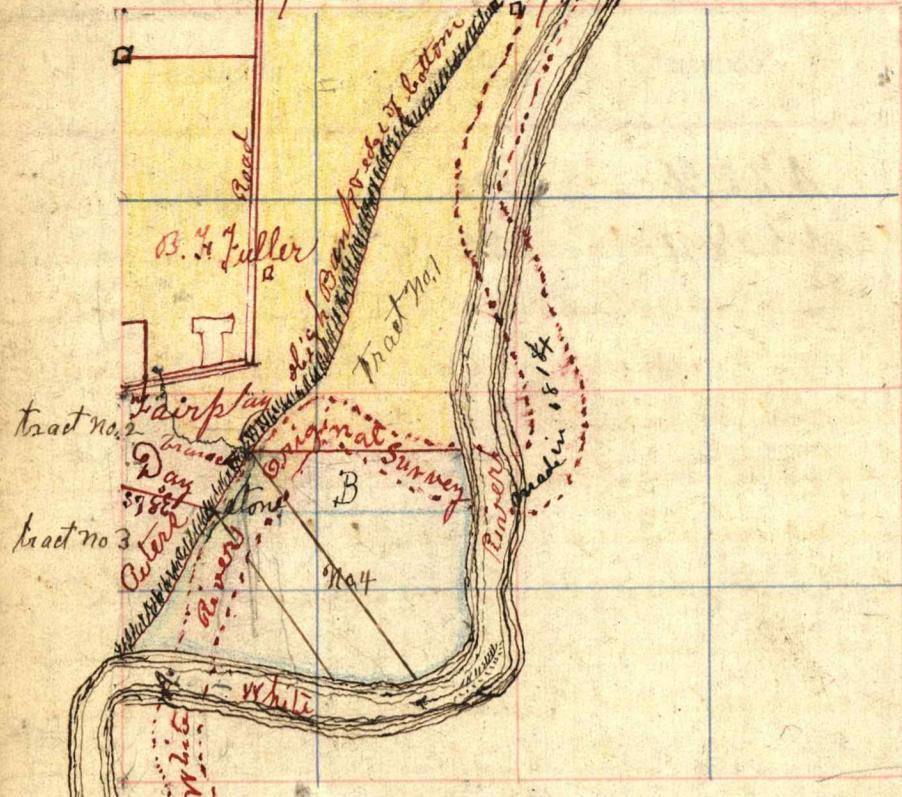


Section 9 Town 7 Range 5



Var. 2° 45'

Course.	Point of Beginning.	Chains Distance.	Corrected Bearings.
South	N. of	34.50	to a stone
East		2.82	" " in road
South		5.50	1/4 sec line
East		6.31	stone in spring branch thence down said branch
b24 1/2 E		1.22	
n 84 1/2 S		5.38	
d 44 1/2 E		2.71	
East		2.50	
b72 1/2 E		1.76	
East		7.79	to what is known as the high bank thence
d 45 N		19.55	" to White River then commences at intersection of high bank and
d 29 1/2 N		.54	Day's
		7.12	to a stone at the SE corner of George Day's land thence along high bank in nearly the same course to a river that meandered the river to the north line of the section thence
West		9.24	to cross on stone in the bluff
South		33.08	stone in road
West		5.62	along road
		13.11	to the section line and set a stone 5.62 1/2 south of stone at sec. cor. to accomplish this I run south 31 1/2 E 7.72 ch and set a stake 8 ch East of Day's South east corner then south 39 1/2 East
			The object of this survey is to determine the line between the lands of B. F. Fuller, George Day and between Day and Peters heirs and to determine the amount of Fuller's land
			It appears that many years ago the river struck the high bank near where the 1/2 mile line East West cuts the high bank and then run along the high bank through the section. Since that the river
			has made about 60 acres of land which is in dispute.
			I determine from an examination of abstract of title that the line between Day and Fuller should run down the spring branch from Fairplay to White River. But the river having formed low bottom since the spring branch was established as a landmark it has become very indistinct in its route through the bottoms and does not

Further description on page 29.

Note

SEE ORDER BOOK 52 P 168 for reported survey by order of court and legal process made about 60 acres of land which is in dispute.

During my order of court and legal process I determined from an examination of abstract of title that the line between Day and Fuller should run down the spring branch from Fairplay to White River. But the river having formed low bottom since the spring branch was established as a landmark it has become very indistinct in its route through the bottoms and does not

August 10 1898

I commenced a Survey of Section 9, T. 7, R. 5, for Benjamin F. Fuller et al. See note left margin below

adjourned until August 15th 1898
went to section 9-5 August 15 1898 and postponed until August 26th 1898 on which date I continued survey until Saturday following and postponed until Monday August 29th 1898 then completed work

Samuel Williams
William Laughlin
Albert Broderman } C. B.

H. H. Belerton
Surveyor Greene County.
By J. M. Parker D. P.

Var. 2° 45'

See - Copy of Notices on Page 28 & 29

CORNER ESTABLISHED.	Monument.	Device.	WITNESS POINTS OR BEARING TREES.	Mark or Dia. in Inches.	COURSE.	Links Distant.	REMARKS.
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herefore seem to have been recognized as a land mark further than the "high bank". After entering the bottom the said branch meanders in a east and south west course as shown in the map some distance from the high bank, soon losing its identity by uniting with the flow of other waters, and finally approaches the high bank and ends in an artificial channel at about half the distance from where it leaves the high bank to White River. Here the channel vanishes in a low bottom, upon the whole its location through the bottom is uncertain and shifting. I find that the river was made the line and the East boundary of all of said lands by the United States in the sale of the public lands and that the river still continues to be the line and each landholder is entitled to his loss or gain of said line in proportion to his frontage. At present the land in dispute is bounded on the East and south by White River and on the West by the high bank and on the North by a line running east from the mouth of the said spring branch to the river as shown by the map and this line and the high bank evidently represent the original position of the river. It is found that of this boundary Josephine and Nellie Peters has approximately 16 chains by dropping the fraction and George W. Day has 1/2 chains and Benjamin F. Fuller has 19 chains. The claim that Fuller's line should run east from where the spring branch intersects the high bank to White River does not seem well founded, for at the time the river receded from the outlet of the branch at the high bank the river was Fuller's line from that point up the river beyond the disputed land giving undisputed title to all land to such boundary. This may have been north or south of an east and west line but was probably somewhat south of such a line, which is indicated by the original survey of the river and also by the present survey both of which are shown on the map this is also supported by the statements of the people.

When the river had receded to the corner between Day and Peters the deposit of alluvion evidently belonged to Fuller and Day dependent on the proportion of riparian boundaries after this Peters would participate in the increment of alluvion. The land to be divided between Day and Fuller before any alluvion had found on Peters would be represented by a tract marked "B" on the map and bounded on the North by a line running East from Days North east corner at the high bank to White River and bounded on the south by a line running east from Days South east corner at the high bank to White River. It is here assumed that the approximate course of the river was west when approaching the high bank. The length of the river line when on this line must have been about 30 chains to be divided between Day and Fuller. To accomplish this I run south 31 1/2 E 7.72 ch and set a stake 8 ch East of Days South east corner then south 39 1/2 East 20.48 ch to a stake on the river between Day and Fuller. This was previously ascertained by dividing the present river line 54.62 ch in proportion of 7-16 and 19 giving 25.00 ch to Fuller 21.50 ch to Peters and 9 ch to Day but since a straight line would be preferable I run from the north east corner of Day in branch south 35 1/2 E and set the stake on the river bank giving Fuller 50 links more on the river to compensate him for loss by a straight line on the principle in geometry that triangles having equal base and altitudes are equal in area, having thus fixed the boundary between Day and Fuller I run from Days South east corner South 33° East 21.50 ch to the river giving Day 8.50 ch along the river. Computation by latitudes and departures and proof gives Fuller 26.38 acres Day 18.19 and Peters 15.62 acres. The first thought entertained of the subdivision of area according original boundaries found would exclude Day from the river, I could not think of a time or place that the river could be his line in the first transfer of his land the grantor relinquished all riparian rights on his line in an implied manner by the words "down the River". See page 29.